

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

9 RANDALL G. BROWN, )  
10 Plaintiff, ) 3:11-cv-151-RCJ-VPC  
11 v. )  
12 ROBERT BANNISTER, *et al.*, ) **ORDER**  
13 Defendants. )

14 Before the Court is the Report and Recommendation of the United States Magistrate Judge (#35)  
15 (“Recommendation”) entered March 21, 2012, in which the Magistrate Judge recommends that this  
16 Court grant Defendants’ Motion for Summary Judgment (#22) and deny as moot Plaintiff’s Motion for  
17 a Temporary Restraining Order (#20).

18 No objection to the Report and Recommendation has been filed.

## I. DISCUSSION

20 This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations  
21 made by the magistrate.” 28 U.S.C. § 636(b)(1). Further, under 28 U.S.C. § 636(b)(1), if a party makes  
22 a timely objection to the magistrate judge’s recommendation, then this Court is required to “make a de  
23 novo determination of those portions of the [report and recommendation] to which objection is made.”<sup>1</sup>  
24 Nevertheless, the statute does not “require[ ] some lesser review by [this Court] when no objections are  
25 filed.” Thomas v. Arn, 474 U.S. 140, 149–50 (1985). Instead, under the statute, this Court is not  
26 required to conduct “any review at all . . . of any issue that is not the subject of an objection.” Id. at 149.

<sup>1</sup> For an objection to be timely, a party must serve and file it within 10 days after being served with the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1)(C).

1 Similarly, the Ninth Circuit has recognized that a district court is not required to review a magistrate  
2 judge's report and recommendation where no objections have been filed. See United States v. Reyna-  
3 Tapia, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court  
4 when reviewing a report and recommendation to which no objections were made); see also Schmidt v.  
5 Johnstone, 263 F.Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in Reyna-  
6 Tapia as adopting the view that district courts are not required to review "any issue that is not the subject  
7 of an objection."). Thus, if there is no objection to a magistrate judge's recommendation, then this Court  
8 may accept the recommendation without review. See e.g., Johnstone, 263 F.Supp. 2d at 1226 (accepting,  
9 without review, a magistrate judge's recommendation to which no objection was filed).

10 In this case, there have been no objections filed to the Magistrate Judge's Report and  
11 Recommendation. Although no objection was filed, this Court has reviewed the Report and  
12 Recommendation (#35) and accepts it. Accordingly,

13 IT IS HEREBY ORDERED that Defendants' Motion for Summary Judgment (#22) is  
14 GRANTED as to Plaintiff's Eighth Amendment claim.

15 IT IS FURTHER ORDERED that Plaintiff's Motion for a Temporary Restraining Order (#20)  
16 is DENIED as moot.

17 IT IS SO ORDERED.

18 DATED: This 14<sup>TH</sup> day of June, 2012.

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21 ROBERT C. JONES  
22 Chief District Court Judge  
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